

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

**IN RE 2014 RADIOSHACK ERISA
LITIGATION**

MASTER FILE NO. 4:14-cv-00959-O

THIS DOCUMENT RELATES TO:

ALL ACTIONS

**PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION
SETTLEMENT, PRELIMINARY CERTIFICATION OF SETTLEMENT CLASS,
APPROVAL OF CLASS NOTICE, APPROVAL OF PLAN OF ALLOCATION
AND SCHEDULING OF A FINAL APPROVAL HEARING**

Plaintiffs Manoj P. Singh, Jeffrey Snyder and William A. Gerhart, (“Named Plaintiffs”), respectfully move this Court for an order (1) granting preliminary approval of the proposed Class Action Settlement Agreement and Release Between Plaintiffs and Defendants Wells Fargo Bank, N.A. and Banco Popular De Puerto Rico (the “Settlement” or “Settlement Agreement”),¹ (2) preliminarily certifying the Settlement Class, (3) approving the form and manner of providing notice of the Settlement to the proposed Settlement Class (the “Notice Plan”), (4) approving the proposed Plan of Allocation, and (5) scheduling a Fairness Hearing.

For the reasons set forth in the accompanying memorandum of law, Plaintiffs submit that the proposed Settlement is fair, reasonable, and adequate. Additionally, the proposed Settlement Class satisfies the requirements of Federal Rule of Civil Procedure 23(a), (b)(1), and (b)(2),

¹ The Settlement Agreement, included in the Appendix to Plaintiffs’ Motion for Preliminary Approval of Class Action Settlement, Preliminary Certification of Settlement Class, Approval of Class Notice, Approval of Plan of Allocation, and Scheduling of a Fairness Hearing (“APP”), as APP-1 – APP-64, itself has several exhibits. These exhibits include the Preliminary Approval Order, which is appended to the Settlement Agreement as Exhibit 3 at APP-39 – APP-52, and the proposed Final Approval Order and Judgment appended to the Settlement Agreement as Exhibit 4 at APP-53 – APP-60. All provisions of the Settlement Agreement are incorporated by reference herein.

thereby warranting preliminary certification for the purposes of this Settlement. Moreover, the Notice Plan satisfies the requirements of due process and is consistent with that used in analogous actions. Further, the proposed Plan of Allocation is fair, reasonable, and adequate and should be approved by this Court. Accordingly, Plaintiffs respectfully submit that preliminary approval of the Settlement should be granted, the Settlement Class should be preliminarily certified, the Class Notice should be approved, the Plan of Allocation should be approved, and a Fairness Hearing should be scheduled.

For the Court's convenience, a Preliminary Approval Order is attached as Exhibit 3 to the Settlement Agreement at APP-39 – APP-52 providing the relief requested herein.

Dated: January 21, 2016

/s/ Mark K. Gyandoh

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CERTIFICATE OF SERVICE

I hereby certify that on January 21, 2016, I electronically filed the foregoing with the clerk of Court using the CM/ECF system, which will send a notification to all counsel of record in this Action.

/s/ Mark K. Gyandoh

Mark K. Gyandoh